GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:5298
ANSWERED ON:28.04.2000
PIRACY OF PRODUCTS
RAMJI MANJHI

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the Government are aware that there is piracy of the products of reputed brands in the market thereby cheating the innocent consumers;

(b) if so, the details thereof;

(c) whether the Government have inquired into the matter and taken any steps and;

(d) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN SINGH)

(a) to (d):- The Trade and Merchandise Marks Act, 1958 provides for the protection of registered trademarks.It also contains provisions to prevent the falsifying or the false application of trademarks, false trade descriptions, etc. under Section 76, 77, 78 and 79 of the said Act. The remedies available under the Act relate to the protection of the Intellectual Property Rights inherent in a trademark and provide both civil and criminal remedies for registered trademark owners. Action against piracy of products of registered brands, resulting in infringement of rights has to be prosecuted in the appropriate courts for securing civil and criminal remedies.

The Trade and Merchandise Marks Act, 1958 is proposed to be replaced by the Trade Marks Act, 1999 under which the penal provisions for infringement of trademarks rights have been enhanced. Sections 101 to 105 of the Trade Marks Act, 1999 provide for necessary penalties for counterfeiting. Offences under Section 103, 104 and 105 have been made cognizable and the period of imprisonment provided is to be not less than six months with a maximum of three years with a minimum fine of Rs.50,000/- which may extend to Rs.2,00,000/-.